

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

DAVE CARLTON, *et al.*,

Plaintiffs,

v.

FRED CANNON, *et al.*,

Defendants.

CIVIL ACTION NO. H-15-012

Judge Lee H. Rosenthal

**NOTICE OF APPEAL**

Lead Plaintiffs Dave Carlton and Sharon Kegerreis, on behalf of themselves and all others similarly situated (“Plaintiffs”), in the above-captioned case hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Memorandum and Opinion entered on May 4, 2016 (Doc. No. 113), granting in part and denying in part Defendants’ motion to dismiss Plaintiffs’ third amended complaint.

Dated: October 7, 2016

**LEVI & KORSINSKY, LLP**

By: /s/ Adam Apton  
Nicholas I. Porritt (*admitted pro hac vice*)  
Adam M. Apton (*admitted pro hac vice*)  
1101 30<sup>th</sup> Street, NW, Suite 115  
Washington, DC 20007  
202-524-4290 (phone)  
202-333-2121 (fax)

**THE ROSEN LAW FIRM**

Lawrence M. Rosen (*admitted pro hac vice*)  
Phillip Kim (*admitted pro hac vice*)  
275 Madison Avenue, 34<sup>th</sup> Floor  
New York, NY 10016  
212-686-1060 (phone)  
212-202-3827

***Co-Lead Counsel***

**GASCOYNE & BULLION, P.C.**

James Gascoyne

(Fed No. 1980 / Tx. No. 07744800)

77 Sugar Creek Center Blvd.

Sugar Land, Texas 77478

281-340-7000 (phone)

281-340-7001 (fax)

*Liaison Counsel*

**CERTIFICATE OF SERVICE**

Adam M. Apton, an attorney, hereby certifies that on October 7, 2016 true and correct copies of the foregoing Notice of Appeal were served on all counsel of record via the Court's ECF filing system.

/s/ Adam M. Apton  
Adam M. Apton